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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,195	02/17/2004	Han-Ching Huang	15722/629	9925

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EXAMINER

BRITTAIN, JAMES R

ART UNIT PAPER NUMBER

3677

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/780,195

Applicant(s)

HAN-CHING HUANG

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-6 and 8-13 is/are allowed.
- 6) ☒ Claim(s) 7, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03142005.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Allowable Subject Matter*

Claims 2-6 and 8-13 are allowed.

The indicated allowability of claims 7, 15 and 15 is withdrawn in view of the newly discovered reference(s) to Smetz (DE 3248789 and GB 2021275) from the information disclosure statement submitted March 14, 2005 that is being reviewed at this time. Rejection(s) based on the newly cited reference(s) follow. The inconvenience to applicant is regretted.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 14 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Smetz (DE 3248789) in view of Smetz (GB 2021275).

Smetz (DE 3248789) (figures 1-4) teaches in figure 4 a strap fastener set including a strap fastener 25 for winding a first strap and a gauge 3 tied with a second strap 10, the gauge includes a frame with a window defined therein and a scale provided thereon along the window; the spring 12 placed within the frame and a rod 13 for connection with the strap fastener thereon via the bar 17 that connects the end of the bar with the strap fastener 25. A portion 21 of the slidable frame slidably secured to the rod 13 is an indicator formed for cooperation with the scale in order to provide a reading of the tensile force. The differences are that the frame is not a cylinder including a cap with a cylindrical portion and an annular portion and the indicator is not

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part of a ring. However, and Smetz (GB 2021275) (figures 1 and 2) teaches gauge structure for a strap as indicated in page 1, lines 101, 112 wherein the gauge as a cylindrical shape 1 includes a cap 15 having a cylindrical portion that is received in the frame and has an annular portion that extends outwardly a small amount as shown in figure 2. Further, the ring 11 attached to the Rod 13 has an indicator 7 secured to the ring 11. Smetz (GB 2021275) further indicates that distance indicators of this kind are known, in which the possession of the indicator element can be read out from a graduated scale positioned next to the slot as indicated in page 1, lines 7-10. As it would be beneficial to make a simpler gauge for the device of Smetz (DE 3248789) it would have been obvious to modify the primary reference so that the frame is a cylinder including a cap with a cylindrical portion and an annular portion and the indicator is part of the ring secured to the rod in view of Smetz (GB 2021275) teaching that it is desirable to provide such a simple structure in order to measure the tension on straps. In regard to claim 15, the cylindrical portion of the cap of Smetz (GB 2021275) is integrally formed on the internal side of the cylinder through its rigid securement thereto. In regard to claim 7, this claim is rejected for the same reasons given above with the further understanding that the third ring is taught by Smetz (GB 2021275) in figure 2 wherein the connector head 2 is secured to the cylindrical frame by a ring. It would have been obvious to utilize such a connection over that of Smetz (DE 3248789) in view of Smetz (GB 2021275) teaching that such a connection with the gauge provides a simpler structure for measuring the tension in a strap.

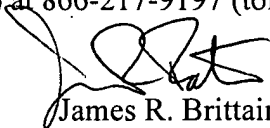
### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain  
Primary Examiner  
Art Unit 3677

JRB